

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	
)	Case No. 02-16172
)	(Jointly Administered)
LEVEL PROPANE GASES, INC., et al.,)	
)	Chapter 11
Debtors.)	
)	Bankruptcy Judge Randolph Baxter
)	
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WILLIAM MALOOF,)	Case No. 1:07-CV-00150
)	
Appellant,)	Judge Ann Aldrich
)	
v.)	
)	<u>MEMORANDUM & ORDER</u>
LEVEL PROPANE GASES, INC.,)	
)	
Appellee.)	
)	

Appellant William Maloof (“Maloof”) appeals the December 7, 2006 order of the bankruptcy court granting in part appellee Level Propane Gases, Inc.’s (“Debtor”) motion for sanctions. Debtor’s motion concerned a pattern of vexatious litigation on the part of Maloof before the bankruptcy court since at least January 2006. Maloof’s record of vexatious, meritless litigation is not limited to the bankruptcy court, however. This court has had to resolve numerous appeals, adversary proceedings and civil actions brought by Maloof.

On appeal, this court generally reviews the bankruptcy court’s findings of fact only for clear error, giving deference to the bankruptcy court’s factual findings. Fed. R. Bankr. P. 8013; *Boone Coal & Timber Co. v. Polan*, 787 F.2d 1056, 1062 (6th Cir. 1986). The bankruptcy court’s conclusions of law are subject to *de novo* review. *Polan*, 787 F.2d at 1062. However, the bankruptcy court’s decision to sanction litigants before it is reviewed under the deferential “abuse of discretion” standard. *In re*

Downs, 103 F.3d 472, 480 (6th Cir. 1996) (citations omitted). This court will reverse only if the bankruptcy court ““relie[d] upon clearly erroneous findings of fact or when it improperly applie[d] the law or use[d] an erroneous legal standard.”” *Id.* at 480-81 (citations omitted). After reviewing the parties’ briefs and the record below, the court finds that the bankruptcy court did not abuse its discretion in granting sanctions against Maloof, under both Federal Rule of Bankruptcy Procedure 9011 and 28 U.S.C. § 1927. The court therefore affirms the bankruptcy court’s December 7, 2006 order and dismisses this case.

This order is final and appealable.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: August 16, 2007